

Service Date: February 13, 1996

FINAL ORDER NO. 6391

**DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601**

IN THE MATTER OF Garbage, Inc.,)
Havre, Montana, application for a) Docket No. T-95.77.PCN
Montana Intrastate Certificate) Order No. 6391
of Public Convenience and Necessity.)

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 8, 1995, Garbage, Inc., 1690 Smithville Road, Havre, Montana 59501, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class D - Garbage between all points and places within the City of Havre, Montana.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public December 6, 1995. That notice said in pertinent part:

If no written protests are received by December 26, 1995, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. A protest was filed by the Public Works Department, City of Havre.

4. Notice of Public Hearing was issued January 9, 1996, with hearing scheduled for February 6, 1996, in Havre, Montana. Prior to that date, the applicant and protestant agreed to a stipulated grant of authority, and the public hearing was vacated. The stipulation is incorporated into the Order granting authority herein.

5. The record of this application is available for inspection at the Public Service

Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.
2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.
3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 12th day of February, 1996, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-95.77.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Garbage, Inc., Havre, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class D - Garbage between all points and places within the City of Havre, Montana. Limitations: Transportation is restricted to that authorized in advance and in writing by the City of Havre, Director of Public Works. Copy of the written authorization must be carried in the power unit of the motor carrier at the time the service is provided and must be provided to the PSC upon request.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 12th day of February, 1996, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

NANCY McCaffree, Chair

DAVE FISHER, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.